

New Shoreham Town Council Minutes
Town Hall, Old Town Road, Block Island
Monday, July 30, 2012
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Town Councilor Peter B. Baute, Town Councilor Kenneth C. Lacoste and Town Councilor Richard P. Martin. Also present was Town Manager Nancy O. Dodge. Town Clerk Fiona Fitzpatrick took the minutes of the meeting.

First Warden Kimberley H. Gaffett called the meeting to order at 7:00 p.m.

1. Review and act on renewal of the Moped Settlement Agreement

Present for the moped renters were John and Leo Leone (Aldo's Mopeds) and Blake Filippi (Ocean State Bikes and Mopeds). A communication was received from Attorney Mark J. Hagopian (Miles-Un-Ltd., Inc.) saying the Miles-Un-Ltd. would not sign a one year agreement based on the "false legal premise... that the Town has the authority to regulate moped emissions."

First Warden Gaffett said the Council's last action was to approve an extension of the settlement agreement with a new provision for a voluntary donation of \$40 per moped to be split between the BI Rescue Squad and the Medical Center. The donation is in addition to the \$40 licensing fee. After comment from the public complaining about the air pollution from mopeds, especially going uphill or carrying more than one person, the Council voted to extend the agreement for one year in order to allow time to research the question of whether there was a way to ensure fewer emissions from the rental mopeds, either by requiring four stroke engines or by some other means.

John Leone said all of the rental mopeds use two stroke engines that conform to the Clean Air Act, many of them the Super 8 moped model. He circulated an importer's EPA certificate stating the moped engines in models "Like 50 2T, Like 50 Lx 2T, Super 8 – 50 2T" conform with the Clean Air Act. John Leone said approximately one-third of the moped fleet is replaced every year and that means the fleet always uses near state of the art engines. He said he spoke for the moped renters and they would voluntarily switch to synthetic Spectro 2-T oil next year and going forward. This year's oil has already been purchased. Synthetic oil is more expensive but burns much cleaner. Mr. Lacoste is an expert in the small engines and confirmed that synthetic oil would be a huge improvement.

Dr. Baute said his hesitation with renewing the agreement for five years stemmed from a need to research a less polluting engine, and if Mr. Lacoste was satisfied that synthetic oil would improve things, he was too.

First Warden Gaffett moved to enter into a five year extension of the 2012 Settlement Agreement of US District Court for the District of Rhode Island Miles-Un-Limited, Inc., et als v. Town of New Shoreham et als; RI Civil No. 95-CV-326B; NH Civil No. 1:95-CV-356-JRM which would include language requiring a \$40 per moped donation to be split between the Rescue Squad and Medical Center and the use of synthetic oil. Motion was seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

At 7:23 Mr. Martin moved to adjourn, seconded by Second Warden Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Minutes approved August 6, 2012

Fiona Fitzpatrick
Town Clerk